APPENDIX A.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 81-2730

UNITED STATES OF AMERICA

v.

JOHN SCALZITTI, LOUIS RAUCCI,
and ROBERT ALLEN WELDON a/k/a
Bobby Allen

John Scalzitti,
Appellant

(D.C. Criminal No. 81-00042-01

No. 81-2731

UNITED STATES OF AMERICA

v.

JOHN SCALZITTI, LOUIS RAUCCI,
and ROBERT ALLEN WELDON, a/k/a
Bobby Allen

Robert Allen Weldon,
a/k/a Bobby Allen,
Appellant

(D.C. Criminal No. 81-00042-03

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Argued: May 14, 1982
Before: GIBBONS and HUNTER, Circuit Judges and GERRY, District Judge*

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*Hon. John F. Gerry, United States District Judge for the District of New Jersey, sitting by designation.

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JUDGMENT ORDER

John Scalzitti and Robert Allen Weldon appeal from judgments of sentence following their conviction of violation of 18 U.S.C. §§ 846 and 841(a)(1). Both contend:

(1) that the court erred in permitting the government to prove that the witness Charles Hindmarsh had made a conditional plea bargain in which he agreed to testify truthfully;

(2) that the court erred in taking judicial notice that cocaine is a controlled substance; and

(3) that the court abused its discretion in submitting a part of its charge to the jury in writing.

Scalzitti also contends that the court violated due process in relying on his alleged connections with organized crime when imposing sentence.

We find no merit in these contentions.

It is O R D E R E D and A D J U D G E D that the judgments of the district court are affirmed.

BY THE COURT:

/S/ John J. Gibbons
Circuit Judge

Attest:

/S/ Sally Mrvos
Sally Mrvos, Clerk

DATED: May 17, 1982.